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09/622,959	12/11/2000	Doron Elgressy	0655/62931	5350

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT PAPER NUMBER

2137

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/622,959

Applicant(s)

ELGRESSY ET AL

Examiner

Minh Dieu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

PD

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication dated June 6, 2005 with the amendments to claims 1 and 5 and the addition of claims 15-26.
2. Claims 1-26 are pending.

Response to Arguments

3. Applicant's arguments filed June 6, 2005 have been fully considered but they are not persuasive.
4. Applicant argues that Toubould relates to a system that determines whether to allow or block the undesirable application (i.e. hostile downloadables) and Hayman relates to a system that denies access to malicious code that attempts to modify objects in the virus prevention region. Toubould and Hayman do not teach preventing hostile use of computer resources by an application running on a workstation.

The examiner disagrees, Toubould prevents hostile use of computer resources by having a system to protect a computer and a network from unspecified applications (i.e. suspicious downloadables; Abstract) and to prevent suspicious downloadables from reaching the internal computer network (col. 3, lines 10-13) which eventually perform any undesirable operations (i.e. hostile use of computer resources) or threaten the integrity of internal computer network component (col. 3, lines 13-19). Hayman prevents viruses (i.e. unspecified application) from expanding into areas where they can destroy

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stored programs or data (i.e. computer resources) (col. 1, lines 49-57). In other words, Toubould and Hayman disclose preventing hostile use of computer resources by an application running on a workstation.

5. In response to applicant's argument that there is no teaching or suggestion in the cited art of a method for preventing hostile use of computer resources by an application running on a workstation (Remarks, page 11), a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 15, 19, 21, 23 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Touboul (6,092,194).

a) As to claims 15, 19, 23 and 25-26, Touboul discloses a system and method for protecting a computer and a network from hostile downloadables (i.e. preventing hostile use of computer resources in a network) comprising: providing a list of computer resources (col. 5, line 59 to col. 6, line 4; Fig. 3, element 310) that cannot be used by certain applications downloaded from outside the workstation (i.e. hostile downloadables, col. 4, lines 21-22); determining whether computer resources in any direct or indirect request by the downloaded application to use computer resources is in the list of computer resources, such that the request is allowable (col. 4, lines 18-21); wherein if the request is allowable, allowing the workstation to use the computer resources requested (Fig. 6C, element 666); and wherein if the request is not allowable, preventing the workstation from using the computer resources requested (Fig. 6C, element 670).

b) As to claim 21, Touboul discloses the computer resources comprise local network resources including workstation resources (col. 5, line 59- col. 6, line 3).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-14, 16-18, 20, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul (6,092,194) in view of Hayman et al. (5,859,966).

a) As to claims 1 and 24, Touboul discloses a system and method for protecting a computer and a network from hostile downloadables comprising:

i) providing a list of services (col. 5, lines 59-67 to col. 6, lines 1-4; Fig. 3, element 310) that are not allowed for access by unspecified applications (col. 4, lines 21-22)

ii) when such unspecified application runs on the workstation, preventing the application from accessing any resource directly (addressed by Hayman et al.)

iii) analyzing any direct or indirect request for access to specific services, to determine whether such request is allowable according to the list defined under i) above (col. 4, lines 18-21)

iv) if the request is allowable, allowing the workstation to process it (Fig. 6C, element 666)

v) if the request is not allowable, preventing the unspecified application from accessing the requested resource (Fig. 6C, element 670)

wherein the resource may be any local or remote resource, including, but not limited to, memory allocation, files, directories, operations with files and directories, such as copy, delete or compress, or any other operation leading to a

permanent change in the workstation or its periphery (col. 5, lines 59-67 to col. 6, lines 1-4).

Touboul discloses security systems are designed to prevent viruses i.e. unspecified applications from attacking computer systems (col. 1, lines 37-40). However, Touboul does not explicitly disclose when unspecified application runs on the workstation, preventing the application from accessing any resource directly.

Hayman discloses a security system for computer systems that prevents a hostile use of computer resources by an application running on a workstation (Abstract) comprising the step of when unspecified application runs on the workstation, preventing the application from accessing any resource directly (col. 7, lines 25-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of preventing unspecified application from accessing any resource directly in the system of Touboul as Hayman teaches to effectively protect computer resources.

b) As to claims 2, 16 and 20, Touboul discloses the method wherein the list of services is provided as a look-up table (col. 5, lines 59-67 to col. 6, lines 1-4; Fig. 3, element 310; col. 5, lines 45-48).

c) As to claims 3, 9 and 17, Touboul discloses the method wherein an unspecified application is an application which is not specifically identified in a pre-set list of applications (col. 4, lines 29-33).

d) As to claims 4, 8, 10, 12-14, 18 and 22, Touboul discloses the method wherein the pre-set list of applications includes a list of resources which each application may utilize (col. 4, lines 33-40; Figure 4).

e) As to claim 5, Touboul discloses an agent for protecting a workstation against the hostile use of computer resources by an unspecified application running on the workstation comprising:

i) means for detecting an unspecified application running on the workstation (Figure 3, "Path 1")

ii) means for determining the requests for resources to be used by the unspecified application (addressed by Hayman).

iii) means for identifying chain requests for resources utilization, wherein the chain requests comprise requests made by resources called by the unspecified application (Figure 3, "Path 4")

iv) means for determining whether requests made directly by the unspecified application are allowable (Figure 3, "Path 2")

v) means for determining whether requests made indirectly, as chain requests, by the unspecified application would be not allowable if made directly by the unspecified application (Figure 3, "Path 2" and "Path 4"; col. 5, lines 10-15)

vi) means for preventing the chain request from being processed, if it is determined that the request is not allowable, or that it would not be allowable if

made directly by the unspecified application, and for allowing its processing if otherwise determined (Figure 6C).

Touboul discloses security systems are designed to prevent viruses i.e. unspecified applications from attacking computer systems (col. 1, lines 37-40). However, Touboul does not explicitly disclose means for determining the requests for resources to be used by the unspecified application.

Hayman discloses a security system for computer systems that prevents a hostile use of computer resources by an application running on a workstation (Abstract) comprising means for determining the requests for resources to be used by the unspecified application (col. 7, lines 25-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of determining the requests for resources to be used by the unspecified application in the system of Touboul as Hayman teaches to effectively protect computer resources.

f) As to claim 6, Touboul discloses the agent wherein the means for determining whether requests made directly or indirectly by the unspecified application are allowable comprise a look-up table including a list of services that are not allowed for access by unspecified applications (col. 5, lines 10-15; Figure 4).

g) As to claims 7 and 11, Touboul discloses the agent wherein the resources may be any local or remote resource, including, but not limited to, memory allocation, files, directories, operations with files and directories, such as copy, delete or compress,

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or any other operation leading to a permanent change in the workstation or its periphery (col. 5, lines 59-67 to col. 6, lines 1-4).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen
Examiner
Art Unit 2137

mdn
8/16/05


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER